



Indiana Pro Bono Commission
One Indiana Square, Suite 530
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

COMBINED 2004 DISTRICT REPORT, 2006 PRO BONO GRANT APPLICATION, AND 2006 PLAN

Pro Bono District Four

Applicant: District Four Pro Bono Committee

Mailing Address: c/o Edward W. Stachowicz, Indiana Legal Services, Inc., 639 Columbia Street, P.O. Box 1455, Lafayette, Indiana 47902-1455

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Judicial Appointee: Hon. David A. Ault, Judge, Montgomery Superior Court

Plan Administrator: Edward W. Stachowicz, Managing Attorney, Indiana Legal Services, Inc.

Names of Counties served: Benton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe,

Warren and White

Percentage of volunteer attorneys (as defined on page 6) who accepted a pro bono case in 2004 per registered attorneys in district, i.e. the district's pro bono participation rate 7.25%

To the extent the pro bono participation rate information is available by county, please provide below.

Number of registered attorneys in county:	Benton	<u>9</u>
	Carroll	<u>19</u>
	Clinton	<u>32</u>
	Fountain	<u>18</u>
	Montgomery	<u>42</u>
	Tippecanoe	<u>237</u>
	Warren	<u>6</u>
	White	<u>23</u>
	In district	<u>386</u>

Percentage of volunteer attorneys *who accepted a pro bono case in 2004* per registered attorneys in county:

Benton	<u>9.00%</u>
Carroll	<u>15.80%</u>
Clinton	<u>6.25%</u>
Fountain	<u>0.00%</u>
Montgomery	<u>0.00%*</u>
Tippecanoe	<u>13.94%</u>
Warren	<u>3.00%</u>
White	<u>0.00%</u>
In district	<u>7.25%</u>

Percentage of volunteer attorneys who have not yet accepted a pro bono case in 2004 per registered attorneys in county:

Benton	<u>91.00%</u>
Carroll	<u>84.20%</u>
Clinton	<u>93.75%</u>
Fountain	<u>100%</u>
Montgomery	<u>100%*</u>
Tippecanoe	<u>86.06%</u>
Warren	<u>97.00%</u>
White	<u>100%</u>
In district	<u>92.75%</u>

Amount of grant received for 2005: \$14,000.00

Amount of grant (2004 & prior years) projected to be unused as of 12/31/05: \$8,500.00

Amount requested for 2006: \$23,000.00

*As explained in the 2006 Plan Summary, nearly every Montgomery County attorney participates in the Montgomery County Legal Aid program, but participating attorneys do not report case activity to District IV.

PRO BONO DISTRICT NUMBER FOUR LETTER OF REPRESENTATION

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.6

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to **Rule 6.6** of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to **Rule 6.6** (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. ~~at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.~~

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to **Rule 6.6** (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results; and
- D. submit an annual report to the Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations and attorneys. The associations and attorneys believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal providers and bar associations. The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

The Committee does have one (1) community-at-large representative. Committee members will actively recruit one (1) present or past recipient of pro bono public services.

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

_____	6/30/2005
Judicial Appointee Signature	Date
_____	6/30/2005
Plan Administrator Signature	Date

2006 PLAN SUMMARY

1. **Please write a brief summary of the 2006 grant request. Please include information regarding your district's planned activities including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.**

Pro Bono Outreach Paralegal: In 2005 District's IV (75% time) and V (25% time) shared the part-time Hispanic Outreach Paralegal. In 2006 both Districts plan to expand the responsibilities of this position to include outreach to the general low-income community, coordination of the Community Legal Education programs, client intake and case referral to volunteer attorneys. The position will be vacant at the end of July. In addition to the usual job postings, the Committee will explore partnerships with local higher education institutions (Ivy Tech, Purdue University, and Wabash College) to establish one or more Pro Bono internships.

Attorney Recruitment and Recognition: Recruitment of additional volunteer attorneys continues to be a high priority for the Committee. In 2006, committee members will continue their personal efforts to recruit new volunteer attorneys. A CLE program will be sponsored by the Committee to recruit new volunteer attorneys. Volunteer attorneys will be recognized during law week activities in each county.

Increasing number of Volunteer Attorney cases: The greatest challenge for the Committee is increasing the number of cases volunteer attorneys actually accept in the grant year. The Committee's goal is to refer at least two (2) cases to each volunteer attorney in 2006. Year to date in 2005, case closings are on track to double 2004 case closings.

Montgomery County Legal Aid: Organized by the Montgomery County Bar Association, Montgomery County Legal Aid ("MCLA") has a long history of serving the legal needs of low-income individuals in Montgomery County. Though earlier in this report the percentage of volunteer attorneys from Montgomery County who accepted a pro bono case in 2004 reflected 0%, nearly every Montgomery County attorney did so. Montgomery County attorneys participate in a week long rotation as the "legal aid" attorney twice per year. (See page 5B for 2005 roster of Montgomery County Legal Aid attorneys) The Committee will continue working with MCLA in an effort to "quantify" both the number of individuals served by MCLA, and the number of hours donated by MCLA volunteer attorneys.

Client intake, eligibility screening, case referral, and administration: ILSI will conduct prospective client intake, eligibility screening, case referral and other administrative responsibilities, including malpractice insurance coverage for participating attorneys, record keeping and statistical reporting. Legal Aid Corporation of Tippecanoe County will also conduct prospective client intake, eligibility screening, case referral and volunteer attorney recruitment in Tippecanoe County, and will administer District IV funds.

Community Legal Educations Presentations: One community legal education program will be held in each county in the District. The programs will be scheduled in conjunction with a larger function or series of events, to take advantage of increased publicity and community support. Legal Aid Corporation of Tippecanoe County will continue to coordinate additional community legal education programs targeting the legal needs of the Spanish speaking communities in District IV.

Pro Se Activities: The Committee will continue efforts to seek the cooperation and support of the Bench in each county to facilitate access to and use of pro se materials by pro se litigants. Several Committee members have initiated discussions with their local judges to organize a formal program to offer one on one consultation with a pro bono attorney for pro se litigants. The Committee will work with ILSI to make pro se materials available to low-income litigants. The Committee has funded the printing of copies of Indiana's Parenting Time Guidelines in booklet form for distribution throughout District IV to low-income pro se litigants.

Tippecanoe County Public Guardianship Project: Committee members Ken Weller and Ed Stachowicz are members of a local Public Guardianship Committee initiated by Tippecanoe Circuit Court Judge Don Daniel. The Public Guardianship Committee has secured funding commitments from several local organizations to fund a volunteer public guardianship pilot project in Tippecanoe County. Modeled after CASA programs now in place in most counties, the Public Guardianship project will need local lawyers volunteering to do the legal work on the guardianships. The Committee anticipates working with the Public Guardianship Committee to utilize lawyers participating in the Community Volunteer Lawyers Panel in Tippecanoe County. The hope is that the program can eventually expand to surrounding counties.

Veterans Consortium Pro Bono Program: The Committee is interested in helping the Veterans Consortium Pro Bono Program, a consortium of the American Legion, the Disabled American Veterans, the National Veterans Legal Services Program, and the Paralyzed Veterans of America, to recruit attorneys to represent pro se appellants before the Court of Appeals for Veterans Claims. The Consortium screens cases for merit, provides training and reference material, mentoring support including sample briefs, draft pleadings, litigation strategy support and even moot court for cases granted oral argument. (See www.nvlsp.org.) The Committee will work with local Veterans Organizations to identify local veterans needing legal assistance and hopefully recruit volunteer attorneys, particularly those with military service, especially JAG experience, within District IV.

2004 REPORT OF VOLUNTEER ATTORNEY CASES IN DISTRICT FOUR

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer attorney column but complete one line for each pro bono case for that attorney.

Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer. This includes mediation and GAL services.

Volunteer Attorney: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3) or any other defined abbreviation.

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): District IV Pro Bono Committee

IOLTA funding accounts for 100 % of total pro bono provider budget. Please state the percentage of volunteers and cases which are attributable to IOLTA funding 100%. If this percentage is substantially more than the percentage of IOLTA funding, please explain.

Volunteer Attorney Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
R. Perry Shipman	Benton	2004	2004	3.58	Guardianship
Barry T. Emerson	Carroll	2003	2004	4.42	Divorce
Patrick Manahan	Carroll	2004	2004	2.40	Custody
E. Kent Moore	Clinton	2003	2004	6.75	Divorce
Stan Miller	Clinton	2003	2004	6.11	Guardianship
Tom O'Brien	Tippecanoe	2003	2004	5.08	Divorce
Robert Laszynski	Tippecanoe	2004	2004	3.98	Divorce
Laura Bowker	Tippecanoe	2004	2004	7.7	Divorce
Joanna Grama	Tippecanoe	2004	2004	6.5	Divorce
Timothy Broden	Tippecanoe	2003	2004	12.51	Divorce
Robert Laszynski	Tippecanoe	2003	2004	5.5	Custody
Stan Miller	Tippecanoe	2003	2004	18.8	Divorce
Stan Miller	Tippecanoe	2003	2004	27.2	Custody
Nancy Litzenberger	Warren	2004	2004	3.0	Guardianship
Nancy Litzenberger	Warren	2004	2004	6.0	Taxes
Cindy Garwood	Tippecanoe	2004	2004	1.0	Visitation
SUBTOTAL:	16	SUBTOTAL:	16	SUBTOTAL:	120.53

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): District IV Pro Bono Committee

IOLTA funding accounts for 100 % of total pro bono provider budget. Please state the percentage of volunteers and cases which are attributable to IOLTA funding 100%. If this percentage is substantially more than the percentage of IOLTA funding, please explain.

Volunteer Attorney Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
Chris Hopson	Tippecanoe	2004	2004	1	Visitation
Stan Miller	Tippecanoe	2004	2004	12.5	Employment
Laura Bowker	Tippecanoe	2004	2004	1.0	Employment
Randy Vonderheide	Tippecanoe	2004	2004	1.0	Custody
Brian Walker	Tippecanoe	2004	2004	10.0	Divorce
Cindy Smith	Tippecanoe	2004	2004	5.5	Support
Dianne R. Hurtt	Tippecanoe	2004	2004	15.0	Guardianship
Andrew Salter	Montgomery	2004	2004	8.5	Divorce
John Sorenson	Tippecanoe	2004	2004	4.5	Divorce
SUBTOTAL:	9		9	SUBTOTAL:	59.00
Overall total number of volunteer attorneys:	19	Overall total number of cases accepted or pending:	25	Overall total hours on closed cases:	179.53

2004 REPORT

Please list your District's 2004 activities--including committee meetings, training, attorney recognition, newspaper or magazine articles, marketing and promotion--in chronological order.

<u>Date</u>	<u>Activity</u>
1/21/04	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
2/10/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
2/29/2004	<u>Hispanic Presentation</u>
3/23/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
4/27/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
5/13/2004	<u>Hispanic Presentation</u> Frankfort Neighborhood Center, Frankfort, Indiana Topics: Taxes, Immigration Law, Domestic Violence, Traffic Law and Criminal Procedure
6/22/2004	<u>District IV Pro Bono Committee Meeting/Dinner</u> McGraw's, West Lafayette, Indiana
7/27/2004	<u>Hispanic Presentation</u> Crawfordsville, Indiana
8/24/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
8/29/2004	<u>Hispanic Presentation</u> Community and Family Resource Center, Lafayette, Indiana Topics: Homeownership and Family Law
10/24/2004	<u>Hispanic Presentation</u>
10/26/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana Legal Services, Inc.
11/23/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana
12/14/2004	<u>District IV Pro Bono Committee Meeting</u> Indiana Legal Services, Inc., Lafayette, Indiana

2004 REPORT

Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.

The Lafayette Indiana Legal Services (“ILS”) office coordinates Community Volunteer Lawyers Panels in Benton, Carroll, Clinton, Fountain, Warren and White Counties. ILS conducts intake, screens for eligibility and refers cases to panel members. ILS periodically monitors case progress including hours spent, offers malpractice insurance, and litigation expense support. Legal Aid Corporation of Tippecanoe County (“LACTC”) coordinates these responsibilities for Tippecanoe County. Panel members contacted directly by potential clients can refer clients to ILS and LACTC for referral back to the panel member.

Montgomery County has maintained a separate program, Montgomery County Legal Aid for many years. Participating attorneys serve as legal aid lawyer of the week two (2) weeks each year, seeing indigent individuals seeking pro bono legal services. Referrals are made by the Montgomery County Clerk’s office and by ILS.

Please describe any special circumstances, including difficulties encountered, affecting your District’s 2004 implementation of its plan.

Efforts to recruit a Spanish speaking paralegal were hampered by the need to reduce the position to part-time. In late spring the committee was poised to offer the position to a candidate who withdrew in June. The committee did hire Christian Gallo, an attorney from Argentina (not licensed to practice in Indiana), who is enrolled in Indiana University’s Indianapolis Law School LLM program. Christian began work on July 6, 2004.

Linda Barkey, the Pro Bono Coordinator left Legal Services in late May. The New Pro Bono Coordinator, Jennifer Miller, began in June. While Jennifer had previous work experience with Legal Services, she was new to the Pro Bono program, and planning and coordinating formal mini-CLE programs for local bar associations and community legal education programs in 2004 could not be accomplished. The committee relied on individual committee members to coordinate recruitment efforts in their respective counties. Legal Aid Corporation of Tippecanoe County was successful in sponsoring a number of Hispanic outreach programs within the District in 2004.

BUDGETS FOR 2004, 2005 AND 2006 FOR IOLTA FUNDS ONLY

Cost Category	2004 Actual Expenditures	2004 Budget	2005 Actual Expenditures To Date	2005 Budget	2006 Budget
A. PERSONNEL COSTS					
1. Plan Administrator					
2. Paralegals	6,597	13,500	3,750	11,250	11,250
3. Others- Please explain					
4. Employee benefits					
a. Insurance	6,172	9,927	2,738	8,212	8,200
b. Retirement plans					
c. Other- Please explain					
5. Total Personnel Costs	12,769	23,427	6,488	19,462	19,450
B. NON-PERSONNEL COSTS					
1. Occupancy					
2. Equipment rental					
3. Office supplies					
4. Telephone					
5. Travel		683		300	200
6. Training		250			
7. Library					
8. Malpractice Insurance					
9. Dues and fees				200	
10. Audit					
11. Contingent reserve					
12. Litigation reserve					
13. Marketing and promotion		2,303		880	700
14. Attorney recognition					150
15. Litigation Expenses (includes expert fees)		1,000		500	500
16. Property Acquisition					
17. Contract Services (LACTC)	6,409	10,067	3,533	10,000	10,000
18. Grants to other pro bono providers					
19. Other-Educational Mate- rials	1,960	1,000	163	250	500
20. Total Non-Personnel Costs	8,369	15,303	3,696	12,130	12,050
C. TOTAL EXPENDITURES	21,138	38,730	10,184	31,592	31,500

IOLTA funds received **2004:** \$1,000.00 IOLTA funds received **2005:** \$14,000.00

Budget Narrative

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

A(2) Part-time Outreach Paralegal: 15 hours per week at \$15,000 annual rate of pay plus fringe benefits. (Position shared with District V, with District V having 5 hours per week, for total of 20 hours per week.)

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

N/A

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due